

UNITED STATES DISTRICT COURT

for the
District of Oregon

FILED 19 MAR '18 11:07 USDC-ORP

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)The premises of 1936 NW Flanders Street, Apartment
No. 151, Portland, Oregon 97209

Case No.

'18-MC-214

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
As described in Attachment A hereto

located in the _____ District of _____ Oregon _____, there is now concealed (identify the person or describe the property to be seized):

The information and items set forth in Attachment B hereto.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

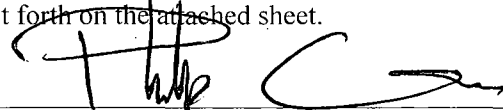
Code Section
18 U.S.C. § 2113(a)

Bank Robbery

Offense Description

The application is based on these facts:
See affidavit which is attached hereto and incorporated herein by this reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

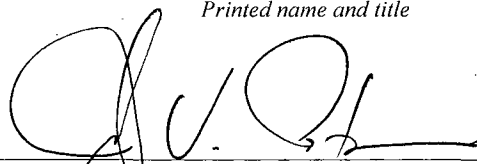

Applicant's signature

Phillip Garcia, FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: March 19, 2018

City and state: Portland, Oregon


Judge's signature

John V. Acosta, United States Magistrate Judge
Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF PHILLIP GARCIA

**Affidavit in Support of an Application
Under Rule 41 for a Search Warrant**

I, Phillip Garcia, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent of the United States Department of Justice, Federal Bureau of Investigation (FBI) and have been so employed since March of 2017. I am currently assigned to the Portland Division of the FBI where I investigate violations of federal law, specifically bank robberies, fugitives, and other violent crimes. I have been involved in the investigation of matters involving bank robberies, particularly as it relates to violations of Title 18, United States Code, Section 2113(a). Prior to joining the FBI, I worked for approximately six years as a police officer with the Dallas, Texas and Grand Prairie, Texas Police Departments.

2. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at located 1936 NW Flanders Street, Apartment #151, Portland, Oregon, 97209 (hereinafter Premises), as described in Attachment A hereto, for evidence, contraband, fruits, and instrumentalities of violations of Bank Robbery in violation of 18 U.S.C. § 2113(a). As set forth below, I have probable cause to believe that such property and items, as described in Attachment B hereto are currently located at 1936 NW Flanders Street, Apartment #151, Portland, Oregon, 97209.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation,

communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law

4. Under 18 U.S.C. § 2113(a), it is prohibited to “by force and violence, or intimidation,” to knowingly and unlawfully take currency from the presence of employees of the financial institution “which was then in the care, custody, control, possession, and management” of that financial institution and whose deposits were then insured by the Federal Deposit Insurance Corporation. 18 U.S.C. § 2113(a).

Statement of Probable Cause

5. On March 7, 2018, at 4:50 p.m., the Umpqua Bank located at 467 NW 23rd Avenue, Portland, Oregon, 97210 was robbed by a subject wearing a black jacket and a red beanie with two horizontal black lines on the bottom of the cap. The robber provided the teller a pink demand note and fled after obtaining \$1,327 cash.

6. On March 14, 2018, Paul Anthony Lyman (Lyman) was arrested for that robbery and transported to the Portland Police Central Precinct. Lyman was read his Miranda rights and agreed to speak with investigators. Sergeant Santos and I interviewed Lyman about his involvement in the robbery at Umpqua Bank on March 7, 2018. Lyman was shown surveillance photographs from the Umpqua Bank and identified himself as the robber in the photographs. Lyman then confessed to robbing the Umpqua Bank located at 467 NW 23rd Avenue, Portland, Oregon on March 7, 2018.

7. Sergeant Santos and I also questioned Lyman about several additional bank robberies they believed he committed in the north Portland area. At that point, Lyman requested

to speak with an attorney.

8. On March 15, 2018, I visited the Northwest Towers Annex located at 1935 NW Flanders St, Portland, Oregon, 97209. I met with the apartment manager and reviewed and obtained surveillance video of Lyman entering and leaving the apartment complex on the March 7, 2018, the date of the Umpqua Bank robbery Lyman admitted to committing. I also reviewed the apartment surveillance for the dates that Lyman is suspected of committing other bank robberies.

9. The apartment surveillance video taken on March 7, 2018, at 4:55 p.m., shows Lyman entering the apartment complex fifteen minutes after the March 7, 2018, Umpqua Bank robbery. In the video, Lyman was holding a black jacket matching the description of the one used in the robbery.

10. As stated, Lyman is also suspected of committing additional bank robberies in the north Portland area. One of those occurred on March 14, 2018, at 9:52 a.m., at the Columbia Bank located at 1207 NW Glisan St, Portland, Oregon, 97209. In that robbery, the subject was seen wearing a black coat, light color blue jeans with large tears near the knee cap, and dark color shoes. During the robbery, the robber presented the victim teller a pink demand note which was unique and specific in comparison to other bank robberies. The robber obtained approximately \$1,700 cash from Columbia bank during this robbery.

11. I obtained and reviewed apartment surveillance video from March 14, 2018, at approximately 8:57 a.m., which showed an individual leaving Lyman's apartment wearing black shoes, light color blue jeans with tears in the fabric around the knees, and a black jacket. The overall dress of the subject matched the description of the bank robber.

12. Because the Northwest Towers Annex video surveillance system only saves footage for two weeks, I was unable to obtain video footage from earlier dates in which Lyman is suspected of committing additional bank robberies. However, based on the March 7, 2018, and March 14, 2018, footage, I have probable cause to believe that Lyman does not significantly change his clothing before or after he commits a bank robbery. Therefore the clothing and items to be searched for and seized includes clothing believed to have been worn by Lyman on March 7, 2018, and March 14, 2018, bank robberies, as well as the clothing and items used in the following robberies of which Lyman is suspected of committing:

13. On March 7, 2018, at 4:50 p.m., the Umpqua Bank located at 467 NW 23rd Avenue, Portland, Oregon, 97210 was robbed by a subject wearing a black jacket as similarly seen in the robbery of Columbia Bank on March 14, 2018. The robber was also wearing a red beanie with two horizontal black lines at the bottom of cap. The robber obtained \$1,327 cash from Umpqua Bank.

14. On March 5, 2018, at 5:09 p.m., the OnPoint Community Credit Union located at 2011 W Burnside Street, Portland, Oregon 97209 was robbed by a subject wearing a hooded black coat with white lining inside the hood, a solid black beanie, brown pants, and black gloves. The victim teller indicated the robber used a red or maroon scarf to cover the lower half of his face during commission of the robbery. The robber obtained \$512 cash from the OnPoint Community Credit Union.

15. On January 30, 2018, at 5:23 p.m., the Home Street Bank located at 22 NW 23rd Avenue, Portland, Oregon, 97210 was robbed by a subject wearing a black trench-coat style jacket with collar flaps, blue jeans, a black handkerchief or scarf around the lower half of his

face, and a red beanie with the two horizontal black lines at the bottom of the cap-which appears to be the same beanie worn in the bank robbery of Umpqua Bank on March 7, 2018. The robber obtained \$1,660 cash from the Home Street Bank.

16. As further described in Attachment B, this application seeks permission to locate physical evidence of the crimes including, clothing, cash, papers and materials which may have been used as demand notes in the bank robberies, receipts, and other items which may have been purchased with the stolen funds.

Conclusion

17. Based on the foregoing, I have probable cause to believe, and I do believe, that Paul Anthony Lyman committed Bank Robbery in violation of 18 U.S.C. § 2113(a), and that contraband, evidence, fruits, and instrumentalities of that offense, as described above and in Attachment B, are presently located at 1936 NW Flanders Street, #151, Portland, Oregon, 97209, which is described above and in Attachment A. I therefore request that the Court issue a warrant authorizing a search of the Premises described in Attachment A for the items listed in Attachment B and the seizure and examination of any such items found.

18. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney ("AUSA") John Brassell, and AUSA Brassell advised me that in his opinion the

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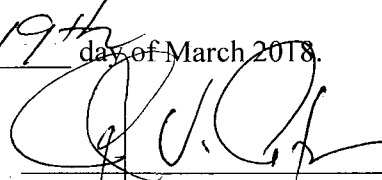
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affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested warrant.



PHILLIP GARCIA
FBI Special Agent

Subscribed and sworn to before me this 19th day of March 2018.



JOHN V. ACOSTA
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

The property to be searched is in the Northwest Tower Annex located at 1936 NW Flanders Street, Apartment #151, Portland, Oregon, 97209. This property is a three-story project-based Section 8 apartment community. The apartment to be searched is located in the northeast corner of the first floor.

ATTACHMENT B

Items to Be Seized

The items to be searched for, seized, and examined, are those items on the premises located 1936 NW Flanders Street, Apartment #151, Portland, Oregon, 97209, referenced in Attachment A, that contain evidence, contraband, fruits, and instrumentalities of violations of Bank Robbery in violation of 18 U.S.C. § 2113(a). The items to be seized cover the period of January 30, 2018, through March 14, 2018.

1. The items referenced above to be searched for, seized, and examined are as follows:

a. A hooded black coat with white lining inside the hood, a solid black beanie, brown pants, black gloves, and a maroon scarf as worn in the March 5, 2018, bank robbery at OnPoint Community Credit Union located at 2011 W Burnside Street, Portland, Oregon 97209;

b. A black jacket, ripped light blue jeans, and red beanie with two horizontal black lines at the bottom of cap as worn in the March 7, 2018, bank robbery at Umpqua Bank located at 467 NW 23rd Avenue, Portland, Oregon, 97210;

c. A black coat, light color blue jeans with large tears near the knee cap, and dark color shoes as worn in the March 14, 2018, bank robbery at the Columbia Bank located at 1207 NW Glisan Street, Portland, Oregon, 97209;

d. A black trench-coat style jacket with collar flaps, blue jeans, a black handkerchief or scarf, and a red beanie with the two horizontal black lines at the bottom of the cap as worn in the January 30, 2018, bank robbery at the Home Street Bank located at 22 NW 23rd Avenue, Portland, Oregon, 97210;

- e. Cash in every denomination, including bait bills;
- f. Demand notes that may have been used in one or more of the bank robberies;
- g. Pink paper matching the description of the pink paper used in the March 7, 2018, and March 14, 2018, bank robberies;
- h. Receipts of transactions which may indicate dates and times of purchases and method of payment used;
- i. Items of personal property that tend to identify the person(s) in residence, occupancy, control, or ownership of the premises, including but not limited to canceled mail, deeds, leases, rental agreements, photographs, personal telephone books, diaries, utility and telephone bills, statements, identification documents, and keys.